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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

11 CRISTOBAL MELCHOR MARTINEZ, an
individual,

12 Plaintiff,

13 v.

14 UNITED STATES POSTAL SERVICE; DOE
15 EMPLOYEE; ROE GOVERNMENT
16 ENTITY; DOE OWNER, I-V; DOE DRIVER,
17 I-V; ROE EMPLOYER, and ROE
COMPANIES, inclusive,

18 Defendant.

CASE NO.: 2:23-cv-00363-JCM-NJK

AMENDED JOINT PROPOSED
DISCOVERY PLAN AND SCHEDULING
ORDER

20 COMES NOW PLAINTIFF CRISTOBAL MELCHOR MARTINEZ by and through his
21 attorney, **Mahna Pourshaban, Esq.** of the Law Offices of **GINA CORENA & ASSOCIATES**
22 and DEFENDANT UNITED STATES POSTAL SERVICE, by and through attorney **Skyler H.**
23 **Pearson, Esq.** of the **UNITED STATES JUSTICE DEPARTMENT** and hereby submit this
24 Joint Proposed Discovery Plan and Scheduling Order.

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Fed.R.Civ.P. 26(f) Conference

The parties participated in the FRCP 26(f) conference on June 20, 2023 and there were no discovery disputes at that time. Plaintiff will serve his initial disclosure statement on or before June 30, 2023. Defendant will serve his initial disclosure statement on or before June 30, 2023. Based upon counsel's review of the evidence in this case, the parties now propose the following discovery plan.

1. **Discovery Cut-Off Date:** Defendant filed its Notice of Removal on March 8, 2023. Prior to filing the Notice of Removal, the parties had not begun discovery. The parties are requesting a discovery cut-off date of November 29, 2023, which is 180 days from the date of Defendant's Answer to Plaintiff's First Amended Complaint filed on June 2, 2023. The parties request that the time for rebuttal expert disclosures be provided 60, rather than 30, days after the time to provide initial expert disclosures. The parties make this request to allow sufficient time to work with expert witnesses' schedules.
2. **Amending the Pleadings and Adding Parties:** The parties request that all motions to amend the pleadings or to add parties be filed no later than August 31, 2023.
3. **Fed.R.Civ.P. 26(a)(2) Disclosures (Experts):** The parties request the disclosure of experts be made on or before August 31, 2023. Disclosure of rebuttal experts shall be made by October 30, 2023.
4. **Dispositive Motions:** The date for filing dispositive motions shall be no later than December 29, 2023. In the event that the discovery period is extended from the discovery cut-off date set forth in this Joint Proposed Discovery Plan and Scheduling Order, the date for filing dispositive motions shall be extended to be no later than 30 days from the subsequent discovery cut-off date.

- 1 5. **Pretrial Order:** The date for filing the joint pretrial order shall not be later than
2 March 18, 2024.¹ In the event that dispositive motions are filed, the date for filing the
3 joint pretrial order shall be suspended until 30 days after decision on the dispositive
4 motions or until further order of the court. In the further event that the discovery
5 period is extended from the discovery cut-off date set forth in this Joint Discovery
6 Plan and Scheduling Order, the date for filing the joint pretrial order shall be
7 extended in accordance with the time periods set forth in this paragraph.
8
9 6. **Fed.R.Civ.P. 26(a)(3) Disclosures:** The disclosures required by Fed.R.Civ.P.
10 26(a)(3), and any objections thereto, shall be included in the joint pretrial order.
11
12 7. **Alternative Dispute Resolution:** Counsel for the parties certify that they met and
13 conferred about the possibility of using alternative dispute resolution including
14 mediation, arbitration and/or an early neutral evaluation. The parties agree that an
15 early neutral evaluation would not be effective at this time as the parties and their
16 counsel believe that it is necessary to conduct discovery before attempting to resolve
17 this case. Counsel further agrees that a settlement conference will be beneficial after
18 discovery is concluded. Finally, the parties and their counsel are not interested in
19 submitting this case to arbitration.
20
21 8. **Alternative Forms of Case Disposition:** The parties certify that they discussed
22 consenting to a trial by a magistrate judge or engaging in the Short Trial Program
23 under Fed.R.Civ.P. 73 and at present do not consent to either alternative form of case
24 disposition.
25
26 9. **Electronic Evidence:** The parties certify that they have discussed and intend to use
27 electronic evidence at the trial of this matter and will ensure that said evidence is in
28 an electronic format compatible with the Court's electronic jury evidence display

¹ March 16, 2024 is a Saturday.

1 system. At present, the parties have not agreed upon any stipulations regarding use of
2 electronic evidence but will address this issue again in the Pre-Trial Order.

3 **10. Extensions or Modifications of the Discovery Plan and Scheduling Order:** Any

4 stipulation or motion must be made no later than 21 days before the subject deadline.

5 Requests to extend discovery deadlines must comply fully with LR 26-3.

6 Respectfully Submitted this 22nd of June, 2023
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8 **GINA CORENA & ASSOCIATES**

JASON M. FRIERSON
United States Attorney

9
10 /s/ Mahna Pourshaban

/s/ Skyler H. Pearson

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17 IT IS SO ORDERED:

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19 
20 UNITED STATES MAGISTRATE JUDGE

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22 DATED: June 23, 2023